

**ASSEMBLY BILL**

**No. 1140**

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**Introduced by Assembly Member Daly**

February 22, 2013

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An act to amend Section 1773.6 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 1140, as introduced, Daly. Public works: prevailing wages.

Existing law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Existing law requires the body awarding a contract for a public work to obtain from the Director of Industrial Relations the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is to be performed, and the general prevailing rate of per diem wages for holiday and overtime work, for each craft, classification, or type of worker needed to execute the contract. Under existing law, if the director determines during any quarterly period that there has been a change in any prevailing rate of per diem wages in a locality, he or she is required to make that change available to the awarding body and his or her determination is final. Under existing law, that determination does not apply to public works contracts for which the notice to bidders has been published.

This bill would instead state that if the director determines, within a semiannual period, that there is a change in any prevailing rate of per diem wages in a locality, that determination applies to any public works contract, whether or not notice to bidders has been published or a contract has been awarded. This bill would authorize any contractor,

awarding body, or specified representatives affected by a change in rates on a particular contract to, within 20 days, file with the director a verified petition to review the determination of that rate, as specified. The bill would require, the director to, upon notice to the interested parties, initiate an investigation or hold a hearing, and, within 20 days after the filing of that petition, except as specified, make a final determination and transmit the determination in writing to the awarding body and to the interested parties.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1773.6 of the Labor Code is amended to  
2 read:  
3 1773.6. (a) If during any ~~quarterly~~ semiannual period the  
4 Director of Industrial Relations ~~shall determine~~ *determines* that  
5 there has been a change in any prevailing rate of per diem wages  
6 in any ~~locality~~ *locality*, he ~~or she~~ shall make ~~such~~ *that* change  
7 available to the awarding body and his ~~or her~~ determination shall  
8 be final, ~~except as specified in this section.~~ *Such* This determination  
9 by the Director of Industrial Relations shall ~~not be effective as~~  
10 *apply on its effective date* to any contract ~~for which the notice to~~  
11 ~~bidders has been published under this chapter, whether or not the~~  
12 *notice to bidders has been published or the contract has been*  
13 *awarded.*  
14 (b) (1) Any contractor, awarding body, or representative of  
15 any craft, classification, or type of work affected by a change in  
16 rates on a particular contract may, within 20 days after publication  
17 of the new determination, file with the director a verified petition  
18 to review the determination of that rate upon the ground that it  
19 has not been determined in accordance with Section 1773. Within  
20 two days thereafter, a copy of that petition shall be filed with the  
21 awarding body. The petition shall set forth the facts upon which  
22 it is based.  
23 (2) The director, or his or her authorized representative, shall,  
24 upon notice to the petitioner, the awarding body, and other persons  
25 he or she deems proper, including the recognized collective  
26 bargaining representatives for the particular crafts, classifications  
27 or types of work involved, initiate an investigation or hold a

1 *hearing. Within 20 days after the filing of that petition, or within*  
2 *a longer period as agreed upon by the director, awarding body,*  
3 *and all interested parties, the director shall make a determination*  
4 *and transmit that determination in writing to the awarding body*  
5 *and to the interested parties. This determination shall be final.*

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